

Zarroli, Michael

From: michael.kenaga@piperrudnick.com
Sent: Wednesday, March 24, 2004 1:37 PM
To: Zarroli, Michael
Subject: RE: Allowed Case 10/069493



Amended Claim
13_v1.DOC

Mike:

It was a pleasure speaking with you today. I have attached an amended claim 13 revised in line with our comments today. If you find it acceptable, please proceed with an Examiner's amendment to enter the attached amended claim 13.

<<Amended Claim 13_v1.DOC>>

Regards,
Mike

> -----Original Message-----

> From: Zarroli, Michael [SMTP:Michael.Zarroli@USPTO.GOV]

> Sent: Monday, March 22, 2004 3:03 PM

> To: michael.kenaga@piperrudnick.com

> Subject: RE: Allowed Case 10/069493

>

> The proposed amendment helps. But we are constantly berated to not pull

> limitations out of the spec or arguments. The question still remains what

> does "accessible anywhere" mean? Besides what is in the spec and

> arguments this term could mean many things. I've asked others in this art

> what they think it could mean and I got different answers. That's why we

> need to bolster it with some structural language. I'll be working at home

> tomorrow but I'll be in the office Wednesday.

>

> -----Original Message-----

> From: michael.kenaga@piperrudnick.com

> [mailto:michael.kenaga@piperrudnick.com]

> Sent: Monday, March 22, 2004 12:48 PM
> To: Zarroli, Michael
> Subject: RE: Allowed Case 10/069493
>
>
> Dear Mike:
>
> I received instructions today from the client. The attached is
a proposed
> amendment to claim 13 which we believe will address your
concerns. You
> will
> recall the prior amendment wherein applicant argued
allowability on the
> basis of the structural features in the two final paragraphs
(one width
> being wider than the other, and the position of the optical
fibers in the
> cable), which features are linked to the "accessible anywhere
along the
> cable" feature. Accordingly, the noted phrase has been moved
from the
> preamble to the end of the claim. The amended claim and the
prosecution
> both
> link the structure features and the noted phrase together.
>
> Let me know if you have any objections or comments. Otherwise,
please
> enter
> the attached claim 13 amendment via an Examiner's amendment.
>
> Regards,
> Mike Kenaga
> 312-368-8937
> <<Claim 13 Amended_v1.DOC>>
>
>
> > -----Original Message-----
> > From: Zarroli, Michael [SMTP:Michael.Zarroli@USPTO.GOV]
> > Sent: Sunday, March 14, 2004 10:26 AM
> > To: michael.kenaga@piperrudnick.com
> > Subject: RE: Allowed Case 10/069493
> >
> > That sounds good. We can allow about two weeks before it
will be pulled
> > from issue. Below is some of the reasoning for all this.

> > MPEP 2111.02
> > A preamble is generally not accorded any patentable weight where it
> merely
> > recites the purpose of a process or the intended use of a structure, and
> > where the body of the claim does not depend on the preamble for
> > completeness but, instead, the process steps or structural limitations
> are
> > able to stand alone. In re Hiro, 535 F.2d 67, 190 USPQ 15 (CCPA 1976)
> > (process claims, discussed below); Kropa v. Robie, 88 USPQ 478, 481
> (CCPA
> > 1951)
> >
> > -----Original Message-----
> > From: michael.kenaga@piperrudnick.com
> > [mailto:michael.kenaga@piperrudnick.com]
> > Sent: Friday, March 12, 2004 10:06 AM
> > To: Zarroli, Michael
> > Subject: RE: Allowed Case 10/069493
> >
> >
> > Dear Mike:
> >
> > I contacted my client regarding this matter. My client advised me that
> she
> > will contact the applicant for instructions. As my client will be out of
> > the
> > office next week, I dont anticipate a reply until the following week.
> >
> > Regards,
> > Mike
> > Michael L. Kenaga, Esq.
> > Piper Rudnick LLP
> > 203 North LaSalle Street
> > Chicago, Illinois 60601-1293
> > PH 312-368-8937
> > FX 312-236-7516
> > Michael.Kenaga@PiperRudnick.com
> >

> >
> > > -----Original Message-----
> > > From: Zarroli, Michael [SMTP:Michael.Zarroli@USPTO.GOV]
> > > Sent: Tuesday, March 09, 2004 11:54 AM
> > > To: michael.kenaga@piperrudnick.com
> > > Subject: Allowed Case 10/069493
> > >
> > > A problem has been noticed with claim 13 of allowed case
10/069493.
> > >
> > > The patentable matter I have noted was recited in the
preamble. Also
> > this
> > > patentable limitation ("accessed anywhere") is broad since
it doesn't
> > > recite any structure.
> > >
> > > I suggest an examiner amendment to add structure into the
claim body
> > that
> > > defines this "accessed anywhere" limitation.
> > >
> > > Mike Zarroli
> > > au 2839
> > > ph# internal 22101
> > > ph# external 571-272-2101
> > > Jeff. 10A-51
> > >
> > >
> >
>

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